

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

VOLT ASSET HOLDINGS TRUST XVI,  
BY CALIBER HOME LOANS, INC.,  
SOLELY IN ITS CAPACITY AS SERVICER,

Plaintiff,

vs.

Civ. No. 13-508 KG/KK

MARIE A. MARTINEZ, A/K/A  
MARIE MARTINEZ,  
FELIX J. MARTINEZ, A/K/A  
FELIX JOE MARTINEZ,  
FELIX JOE MARTINEZ PUBLIC TRUST, AND  
SOUTHWEST FINANCIAL SERVICES, INC.,

Defendants.

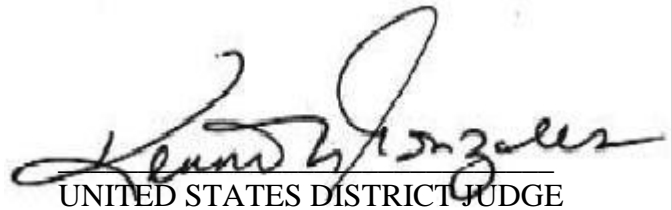
ORDER

This matter comes before the Court upon Defendants' Memorandum in Support of Motion to Take Judicial Notice of Facts, filed on January 7, 2014. (Doc. 35). Former Plaintiff HSBC Mortgage Services, Inc. (HSBC) filed a response on January 23, 2014, and *pro se* Defendants Marie A. Martinez, a/k/a Marie Martinez, and Felix J. Martinez, a/k/a Felix Joe Martinez, (collectively, the Martinezes) filed a reply on February 6, 2014. (Docs. 43 and 52). Moreover, on February 4, 2014, the Martinezes filed a Motion to Take Judicial Notice of Facts to accompany Defendants' Memorandum in Support of Motion to Take Judicial Notice of Facts. (Doc. 46). HSBC filed a response to that motion on February 21, 2014. (Doc. 57).

The Martinezes state that the purpose of filing the Motion to Take Judicial Notice of Facts was to inform the Court that HSBC had assigned the Note and Mortgage at issue in this foreclosure action to Volt Asset Holdings Trust XVI. (Doc. 52) at ¶ 2. According to the Martinezes, the Motion to Take Judicial Notice of Facts spurred HSBC to file its Motion for

Substitution of Volt Asset Holdings Trust XVI, by Caliber Home Loans, Inc., Solely in its Capacity as Servicer as Plaintiff, which the Court granted. *See* (Docs. 42 and 100). Since the purpose of filing the Motion to Take Judicial Notice of Facts has been fulfilled, the Martinezes concede that “the Motion to Take Judicial Notice of Facts is now moot.” (Doc. 52) at ¶ 2.

IT IS ORDERED that the Motion to Take Judicial Notice of Facts (Doc. 46) is denied as moot.



UNITED STATES DISTRICT JUDGE